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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,345	03/30/2004	Walter Thomaschewski	03630- P0035A	4997

24126 7590 07/15/2005

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EXAMINER
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RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/813,345	Applicant(s) THOMASCHEWSKI, WALTER	
	Examiner M Rachuba	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of Claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Specifically, the "plurality of different clamping parts designed for different predetermined angles and being exchangeable *against each other*" must be shown. It is not clear from the figures if the clamping parts are to be used separately or together to form different angles.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: the specification, paragraph [0050] describes the coarseness of the abrasive as "126". It is not clear what this designates, or what system of grit grading is being used. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 4 limits the clamping parts to being "exchangeable against each other". It is not clear from the specification if the clamping parts are used individually or together to change the angle. Applicant may overcome this rejection by removing the language "against each other". Further, claims 10 and 11 limit a diamond or metal to "126". It is not understood what this designates, or what system of grit grading is being used. Abrasive grit is measured in a variety of different ways, the most common being mesh size (the size of an opening of a mesh screen that the particle can pass through),

but also by millimeter or by inch diameter. It is not clear what "126" is meant to designate. Applicant may overcome this rejection by amending the specification to include the size of the particles, with a showing (affidavit) that the size being added is the equivalent of "126".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-17 are rejected under 35 U.S.C. 103(a) as obvious over Pollak US 20020069727A1. '727 discloses the claimed invention, including that it is old and well known to use grinding tools of special shapes with oscillating drives [0035]. The clamping part comprises an outer surface capable of acting as a guide surface for supporting the surface of a workpiece at a predetermined angle. '727 is silent as to the angle size. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the angle of the size desired, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Here, the predetermined angle would depend on the workpiece being sharpened and the shape and/or angle of the edge, and one of ordinary skill

would have considered it obvious to make the angle of any desired size range, dependent on the types of workpieces processed.

7. Regarding claims 5-7, please refer to figures 4 and 5 of '727.

8. Regarding claims 10 and 11, it is assumed that applicant is claiming the abrasive to be a diamond or metal grit of specific coarseness. The examiner takes Official notice that diamond and metal grit is available in a variety of particle sizes, from fine to coarse, and that one of ordinary skill would have found it obvious to have provided the grinding tool of '727 with abrasive of appropriate coarseness dependent on the work piece processed and the material being ground.

9. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollak, '727 as applied to claim 1 above, and further in view of De Angelis et al, '709. '727 does not disclose that the grinding plate comprises two outer surfaces each of which is configured as a grinding surface. '709, figure 5, teaches a tool sharpener having a grinding tool with two surfaces, each configured as a grinding surface, dependent on which surface is desired to be used. It would have been obvious to have provided the grinding tool of '727 with a grinding surface on both surfaces of the tool, increasing the life of the tool by alternately using one surface of the tool until worn, and then using the other surface of the tool.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment has overcome the previous grounds of rejection, specifically, the use of '709 to reject claims 1, 3, 5-7

and 10-14. The indication of the allowability of claim 4 is withdrawn, so that applicant may clarify the scope of the claim. Again, it is not clear if the plurality of different clamping parts are meant to work individually, or together to set the angle. The drawings are objected to for the same reason. It is the examiner's position that '727 clearly discloses the claimed device, except for the amount of predetermined angle, including the oscillating drive.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

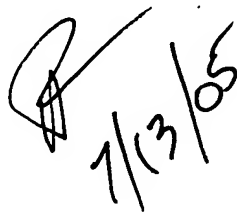
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is **(571) 272-4493**. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Rachuba  
Primary Patent Examiner

Handwritten signature and date 1/13/05.